

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:
THE D&M CAPITAL GROUP, LLC,
Debtor.
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THE D&M CAPITAL GROUP, LLC,
Plaintiff,
Chapter 11
Case No. 19-11711(SCC)
Adv. Pro. No. 19-01300 (SCC)

-against-
ESSEX GLOBAL TRADING, LLC, ALEKS PAUL,
and "JOHN DOES," said names being fictitious and
unknown,

Defendants,
-and-
RADWAN DIAMOND & JEWELLERY TRADING,
ULTIMATE DIAMOND CO., S.B. DIAMOND CORP.,
PALAWAN HOLDINGS LIMITED, and
GEMCUT S.A.,

Nominal Defendants.
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ESSEX GLOBAL TRADING, INC.
Third-Party Plaintiff,

-against-
MOTY SPECTOR,
Third-Party Defendant.

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**STIPULATION EXTENDING TIME FOR S.B. DIAMOND CORP. TO ANSWER,
MOVE, OR OTHERWISE RESPOND TO THE D&M AMENDED COMPLAINT**

This Stipulation is made and entered into by and among The D&M Capital Group, LLC (“D&M”), the Plaintiff in the above-captioned adversary proceeding (the “D&M Action”), and S.B. Diamond Corp. (“S.B.” and, with D&M, the “Parties”), a Nominal Defendant in the D&M Action.

WHEREAS, on August 6, 2019, the Plaintiff filed an amended complaint (the “D&M Amended Complaint”) in the D&M Action; and

WHEREAS, on August 8, 2019, the Clerk of the Court issued an amended summons in the D&M Action; and

WHEREAS, on August 15, 2019, S.B. filed a complaint (the “S.B. Complaint”) commencing a separate adversary proceeding against D&M and Essex Global Trading, LLC under the adversary proceeding number 19-01332 (SCC) (the “S.B. Action”), which is pending before this Court; and

WHEREAS, also on August 15, 2019, the Clerk of the Court issued a summons in the S.B. Action; and

WHEREAS, on or about September 6, 2019, October 10, 2019, November 11, 2019, December 11, 2019, January 16, 2020, February 25, 2020, and March 25, 2020, the Parties entered into reciprocal stipulations extending the time for each to answer, move, or otherwise respond to each other’s complaints (the “Prior Stipulations”); and

WHEREAS, pursuant to the Prior Stipulations, the time for S.B to answer, move, or otherwise respond to the D&M Amended Complaint will expire on May 11, 2020, and the time for D&M to answer, move, or otherwise respond to the S.B. Complaint will expire on May 18, 2020; and

WHEREAS, the Parties have agreed to extend the deadlines for responses set forth in the Prior Stipulations and preceding paragraph.

IT IS HEREBY STIPULATED BY THE PARTIES THAT:

1. The deadline for S.B. to answer, move, or otherwise respond to the D&M Amended Complaint is June 11, 2020.
2. The deadline for D&M to answer, move, or otherwise respond to the S.B. Complaint is June 18, 2020.
3. Notwithstanding this Stipulation, all rights, claims, and defenses of both Parties are expressly reserved.
4. This Stipulation may be executed by means of delivery of signature(s) by facsimile or e-mail, and any signature(s) delivered by facsimile or e-mail shall be of the same effect as any original signature(s).

Dated: May 8, 2020

MORRISON COHEN LLP

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